

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

21-cr-10104 (PBS)

VLADISLAV KLYUSHIN

Defendant

REPLY TO OPPOSITION

The government respectfully disagrees with the defendant’s characterization of the record.

The motion in limine is hardly “eleventh hour”. On Friday, the parties conferred and narrowed disputes over exhibits (as the Court ordered). In that meeting, the defense restated its objection to Exhibits X and Y, prompting the government’s motion. (Dkt. 160).

“[T]he prosecution is entitled to prove its case free from any defendant’s option to stipulate the evidence away[.]” *Old Chief v. United States*, 519 U.S. 172, 189 (1997); see *United States v. Ulbricht*, 79 F. Supp. 3d 466, 480–81 (S.D.N.Y. 2015) (in conducting a Rule 403 analysis, “a court should take into consideration the ‘offering party’s need for evidentiary richness and narrative integrity in presenting a case.’” (quoting *Old Chief*, 519 U.S. at 183))).

Finally, the defense claim about new exhibits is exaggerated. Many are simply designations from a larger exhibit. The government has also received new defense exhibits and awaits listed but unproduced defense exhibits—hardly unusual in the run-up to trial.

Respectfully submitted,

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